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10/698,349	10/31/2003	Edward M. Tecot	MS1-1645US	9655
22801 7590 06/09/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER				
SAINT CYR, JEAN D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/698,349

**Applicant(s)**

TECOT ET AL.

**Examiner**

JEAN D. SAINT CYR

**Art Unit**

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-37, 44-49 and 51-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-37, 44-49 and 51-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### **Continued Examination Under 37 CFR 1.114.**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/19/2009 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-37, 44-49, 51-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone et al in view of Vasilevsky et al, US No. 2004019484.

Re claim 27, Vallone et al disclose a processor-readable medium(fig.1, element 105, hard disk) having processor-executable instructions that, when executed by a processor, perform(see fig.1, element 106, CPU )a method comprising:

receiving a manual user interaction (other methods such as manual selection can be used, col.17, lines 23-25) based upon the UI that indicates that the user selects a bookmarked multimedia program for resumption of presentation from the point of the bookmark(The user can, at any time, access any of his bookmarks and continue viewing the program from the bookmark, col.16, lines 49-50);

requesting (issue an action request, col.12, line 30) that a communicatively coupled multimedia server stream (see fig.7, element 710, hard disk) to the multimedia.

But did not explicitly disclose presenting a user interface on a multimedia presentation system at a first locus, wherein the UI comprises a display area listing a bookmark for a bookmarked multimedia program bookmarked at a second locus different from the first locus;

presenting the selected bookmarked multimedia program at the multimedia presentation system at the first locus from the point of the bookmark.

However, Vasilevsky et al disclose presenting a user interface on a multimedia presentation system at a first locus(The program "bookmark" representing the program pause point is conveniently shown via a graphical user interface display with a bookmark icon, abstract), wherein the UI comprises a display area listing a bookmark(see fig.7) for a bookmarked multimedia program bookmarked at a second locus different from the first locus(The media server is further adapted to allow a user to, from one reproduction device, place a program bookmark in a program representing a point in the program where reproduction has stopped, and from another reproduction device, resume reproduction of the program from the program bookmark,0021);

presenting the selected bookmarked multimedia program at the multimedia presentation system at the first locus from the point of the bookmark(a program being viewed on one receiver can be paused. Later, the same program can be resumed from the same pause point and viewed, but from a different receiver,0049).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Vallone with the invention of Vasilevsky for the benefit of allowing users to see data of bookmarked contents from

different locations .

Re claim 28, Vallone et al disclose wherein the UI comprises a listing of some or all of the bookmarks(The viewer interface 1503 commands the Media Control 1501 to display programs with start frames corresponding to the preference file bookmarks, , col.17, lines 11-13) associated with a particular multimedia program(Multiple bookmarks for a program are transparent to the user because the remote control that the user uses tells the system to only display and activate that particular user's bookmarks, col.17, lines 24-27), and the manual user interaction comprises a manual selection of one bookmark from the listing of the some or all of the bookmarks programs(The user moves the highlight bar over the channel that he is interested in and a description of the current program that is showing on the channel is displayed, col.2, lines 27-29).

Re claim 29, Vallone et al disclose wherein the UI comprises a listing of some or all of the bookmarks (The viewer interface 1503 commands the Media Control 1501 to display programs with start frames corresponding to the preference file bookmarks, col.17, lines 11-13) associated with a particular multimedia program and, wherein, the some or all of the bookmarks are listed based upon one or more properties associated therewith(the genre that the program is in, col.23, lines 25-26).

Re claim 30, Vallone et al disclose wherein the UI comprises a listing of some or all of the bookmarks associated with a particular multimedia program and, wherein, the some or all of the bookmarks are listed based upon one or more properties associated therewith; the one or more properties are selected from a group consisting of: identity of e multimedia content of the particular multimedia program; relative point of the bookmark during the presentation of the particular multimedia program; most recently bookmarked multimedia programs; a category of the multimedia content being bookmarked; a locus of a system where the particular multimedia program was bookmarked; identity of a user who manually bookmarked the particular multimedia program(Remote controls are encoded for a specific user in a household. This allows

each person in the household to have a personal remote control. The advantage to having individual remote controls is that parental controls, personal preferences, and bookmarks are automatically activated when each remote control is used, col.16, lines 60-65); chronological time of generation of the bookmark ; chronological date of generation of the bookmark ; relative time during the presentation where the-particular multimedia program was bookmarked.

Re claim 31, Vallone et al did not explicitly disclose wherein the UI graphically illustrates one or more of the following identity of the selected bookmarked multimedia program; relative point of the bookmark during presentation of the selected bookmarked multimedia program; most recently bookmarked multimedia programs; a category of one or more bookmarked multimedia programs; a locus of a system where the one or more bookmarked multimedia programs were bookmarked; identity of the user who manually bookmarked the one or more bookmarked multimedia programs; chronological time when the of that one or more bookmarked multimedia programs were bookmarked; chronological date when the of that one or more bookmarked multimedia programs were bookmarked; relative time when the of that one or more bookmarked multimedia programs were bookmarked; or graphical depiction of relative time when the of that one or more bookmarked multimedia programs were bookmarked.

However, Vasilevsky et al disclose wherein the UI graphically illustrates one or more of the following identity of the selected bookmarked multimedia program; relative point of the bookmark during presentation of the selected bookmarked multimedia program; most recently bookmarked multimedia programs; a category of one or more bookmarked multimedia programs; a locus of a system where the one or more bookmarked multimedia programs were bookmarked (The media server is further adapted to allow a user to, from one reproduction device, place a program bookmark in a program representing a point in the program where reproduction has stopped, and from another reproduction device, resume reproduction of the program from the program bookmark,0021); identity of the user who manually bookmarked the one or

more bookmarked multimedia programs; chronological time when the of that one or more bookmarked multimedia programs were bookmarked; chronological date when the of that one or more bookmarked multimedia programs were bookmarked; relative time when the of that one or more bookmarked multimedia programs were bookmarked; or graphical depiction of relative time when the of that one or more bookmarked multimedia programs were bookmarked.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Vallone with the invention of Vasilevsky for the benefit of allowing users to see data of bookmarked contents from different locations.

Re claim 32, Vallone et al disclose wherein the UI comprises a listing of some or all broadcast media programs that have one or more bookmarks (viewer interface 1503 commands the Media Control 1501 to display programs with start frames corresponding to the preference file bookmarks, col.17, lines 11-13; an indicator 1708 on the screen, indicating that a bookmark has been saved, col.16, lines 46-48; that means at least one bookmarked program was listed in the screen).

Re claim 33, Vallone et al disclose wherein the UI comprises a listing of broadcast media programs available (Below the time display is the listing of the channels available to the user, col.2, lines 24-25) with indicative indicia corresponding with broadcast media programs that have one or more bookmarks (see fig.17, element 1708, bookmark indicator; places an indicator 1708 on the screen, indicating that a bookmark has been saved, col.16, lines 46-48).

Re claim 34, Vallone et al disclose wherein the UI comprises a grid listing(see fig.28, grid) of broadcast media programs available with indicative indicia corresponding with broadcast media programs that have one or more bookmarks(see fig.17, element

1708, bookmark indicator; places an indicator 1708 on the screen, indicating that a bookmark has been saved, col.16, lines 46-48).

Re claim 35, Vallone et al disclose wherein the UI comprises a listing of broadcast media programs available with indicative indicia corresponding with broadcast media programs that have one or more bookmarks, wherein the appearances of the indicia vary to indicate differences in one or more properties associated with bookmarked broadcast media programs (index or bookmark indicators are displayed over the trick play bar. These marks appear as, for example, a vertical bar that is colored, flagged, or labeled uniquely giving the user visual cues that an index or bookmark exists in that position, col.21, lines 11-15; that means there are different appearances).

Re claim 36, is met as previously discussed with respect to claim 27.

Re claim 37, is met as previously discussed with respect to claim 27.

Re claim 44, Vallone et al disclose A multimedia presentation system which is configured to be communicatively coupled to at least one multimedia server(see fig.7, element 710, hard disk), the presentation system comprising:

a multimedia rendering unit configured to present multimedia content and one or more user interfaces (see fig.7, audio video on-screen display); and

a computing unit configured to communicate with a multimedia server over a network and further configured to generate a UI for presentation on the presentation device at a first locus(see fig.7, element 713, CPU).

But did not explicitly disclose the UI for presentation on the presentation device comprising a first display area being at the first locus for listing bookmarks, each respective bookmark being associated with one or more multimedia programs, wherein the one or more multimedia programs were bookmarked by the each respective bookmark at a locus different from the first locus, and wherein the computing unit is



further configured to present the one or more multimedia programs at the first locus using the each respective bookmark.

However, Vasilevsky et al disclose the UI for presentation on the presentation device comprising a first display area being at the first locus for listing bookmarks, each respective bookmark being associated with one or more multimedia programs, wherein the one or more multimedia programs were bookmarked by the each respective bookmark at a locus different from the first locus, and wherein the computing unit is further configured to present the one or more multimedia programs at the first locus using the each respective bookmark(a program being viewed on one receiver can be paused. Later, the same program can be resumed from the same pause point and viewed, but from a different receiver,0049).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Vallone with the invention of Vasilevsky for the benefit of allowing users to see data of bookmarked contents from different locations.

Re claim 45, Vallone et al disclose further comprising a user-interface control panel configured to receive user input (see fig.2, input module) action that triggers generation of a bookmark; such action is selected from a group consisting of selection of another source of multimedia content(see fig.2, element 205, media switch); viewing a list of other sources of multimedia content; manually pressing "pause" key(the user presses pause, col.10, line 65); manually pressing "bookmark" key; and manually pressing another pre-defined key or choosing a pre- defined option.

Re claim 46, Vallone et al disclose wherein one or more properties associated with the each of the bookmarks are selected from a group consisting of:

identity of the multimedia content; relative point of a bookmark during the presentation; most recently bookmarked multimedia program of the one or more multimedia programs;

a category of the multimedia content that was bookmarked; a locus of a system where the -bookmarked multimedia program was bookmarked; an identity of a user who manually bookmarked the bookmarked multimedia program(remote controls are encoded for a specific user in a household. This allows each person in the household to have a personal remote control. The advantage to having individual remote controls is that parental controls, personal preferences, and bookmarks are automatically activated when each remote control is used, col.16, lines 60-65); chronological time of generation of the bookmark ; chronological date of generation of the bookmark ; relative time during the presentation where the bookmarked multimedia program was bookmarked.

Re claim 47, Vallone et al disclose a processor-readable medium (see fig.1, element 105, hard disk ) having processor-executable instructions that, when executed by a processor(see fig.1, element 106, CPU), perform a method comprising:

a first display of different locations where the selected bookmarked multimedia program can be assumed; a second display of at least one of different bookmarks within the selected bookmarked multimedia program; and a third display of the selected bookmarked multimedia program with a bookmark icon(see fig.26 where icon representing each bookmark is displayed;

receiving a manual user interaction(that indicates that the user would like to resume the selected bookmarked multimedia program from the point of the bookmark, other methods such as manual selection can be used, col.17, lines 23-25);

requesting that a communicatively coupled multimedia server streams to the resume-locus system the selected bookmarked multimedia program from the point of the bookmark; and presenting the selected bookmarked multimedia program from the point of the bookmark and doing so at the resume-locus system using turner-swapping

or turner-sharing(The user can, at any time, access any of his bookmarks and continue viewing the program from the bookmark, col.16, lines 49-50).

But did not explicitly disclose presenting a graphic user interface on a multimedia presentation system at a resume location ("resume-locus system") that allows a user to select when to resume presentation of a bookmarked multimedia program from a point of a bookmark, wherein the bookmark was generated that occurred at another location within a network of communicatively coupled multimedia presentation systems.

However, Vasilevsky et al disclose The media server is further adapted to allow a user to, from one reproduction device, place a program bookmark in a program representing a point in the program where reproduction has stopped, and from another reproduction device, resume reproduction of the program from the program bookmark,0021.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Vallone with the invention of Vasilevsky for the benefit of allowing users to see data of bookmarked contents from different locations.

Re claim 48, Vallone et al disclose a multimedia presentation unit (see fig.1, TV); a medium as recited in claim 47(see rejection on claim 47).

Re claim 49, is met as previously discussed with respect to claim 47.

Re claim 51, Vallone et al disclose wherein the bookmarks are listed in the first display area(see fig.17; an indicator 1708 on the screen, indicating that a bookmark has been saved.col.16, lines 46-48), based upon one or more properties associated therewith(Remote controls are encoded for a specific user in a household. This allows each person in the household to have a personal remote control. The advantage to

having individual remote controls is that parental controls, personal preferences, and bookmarks are automatically activated when each remote control is used, col.16, lines 60-65).

Re claim 52, Vallone et al disclose a medium as recited in claim 49, wherein the bookmarks are listed in the first display area, based upon one or more properties associated therewith; the one or more properties are selected from a group consisting of: identity of multimedia content; relative point of the bookmark during the presentation; most recently bookmarked multimedia program of the one or more multimedia programs; a category of the multimedia content that was bookmarked; a locus of a system where the multimedia program was bookmarked; an identity of a user who manually bookmarked the -multimedia program(Remote controls are encoded for a specific user in a household. This allows each person in the household to have a personal remote control. The advantage to having individual remote controls is that parental controls, personal preferences, and bookmarks are automatically activated when each remote control is used, col.16, lines 60-65);chronological time of generation of the bookmark ; chronological date of generation of the bookmark ; relative time during the presentation where the -multimedia program was bookmarked.

Re claim 53, is met as previously discussed with respect to claim 47.

Re claim 54, Vallone et al disclose wherein the multimedia programs listed in the first display area are part of broadcast media transmissions(The program guide area is semi-transparent and overlays on the broadcast program material that the user is currently watching, col.2, lines 6-8 and see fig.28).

Re claim 55, Vallone et al disclose wherein the bookmarks of the programs listed in the first display area are chosen to be listed based upon one or more properties

associated with the at least one bookmark or the multimedia programs(the genre that the program is in, col.23, lines 25-26).

Re claim 56, is met as previously discussed with respect to claim 46.

Re claim 57, is met as previously discussed with respect to claim 49.

Re claim 58, Vallone et al disclose wherein a listing of the broadcast multimedia programs in the first display area is in a grid-like pattern based upon a presentation schedule of the broadcast multimedia programs(see fig.28, grid of the schedule).

Re claim 59, Vallone et al disclose wherein bookmarks of the broadcast multimedia programs listed in the first display area are chosen to be listed based upon one or more properties associated with the bookmarks or the broadcast multimedia programs(the genre that the program is in, col.23, lines 25-26).

Re claim 60, Vallone et al disclose wherein bookmarks of the broadcast multimedia programs listed in the first display area are chosen to be listed based upon one or more properties associated with the bookmarks or the broadcast multimedia programs(the genre that the program is in, col.23, lines 25-26); the one or more properties are selected from a group consisting of: identity of multimedia content; relative point of the at least one bookmark during displaying of the multimedia program; most recently bookmarked multimedia programs; category of the multimedia content bookmarked; locus of system where the multimedia program was bookmarked; identity of user who manually bookmarked the multimedia program(Remote controls are encoded for a specific user in a household. This allows each person in the household to have a personal remote control. The advantage to having individual remote controls is that parental controls, personal preferences, and bookmarks are automatically activated when each remote control is used, col.16, lines 60-65); chronological time of generation of the bookmark; chronological date of generation of the bookmark; and relative time during presentation where the multimedia program was bookmarked.

Re claim 61, Vallone et al disclose wherein the broadcast multimedia programs are received via one or more broadcast media transmissions which are selected from a group consisting of incoming live television broadcast, incoming live cable television signal, incoming live satellite signal, incoming live video-on-demand signal, and incoming live pay-per-view signal(watching live television, col.19, line 50).

#### **Response to Arguments**

Applicant's arguments with respect to claims 27-37, 44-49, 51-61 have been considered but are moot in of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. This office action is non-final

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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